

Meeting of 2006-10-10 Regular Meeting

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
OCTOBER 10, 2006 - 6:00 P.M.  
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John Purcell, Jr.                      Also Present:  
Presiding                      Larry Mitchell, City Manager  
   Randy Henning, Assistant City Attorney  
   Traci Hushbeck, City Clerk

Mayor Purcell called the meeting to order at 6:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Paul Craig, The Christian Center, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:                      Bill Shoemate, Ward One  
Rex Givens, Ward Two  
   Janice Drewry, Ward Three  
   Keith Jackson, Ward Four  
Robert Shanklin, Ward Five  
   Jeff Patton, Ward Six  
   Stanley Haywood, Ward Seven  
   Randy Warren, Ward Eight

ABSENT: None

PRESENTATION OF CITIZEN OF MONTH TO TERESA EPHRIAM & RUBY SIMS.

Sharon Means, Chairman of the Women s Commission on the Status of Women, introduced Cindy Bragg, commission member, who introduced the Citizens of the Month for October, Teresa Ephriam and Ruby Sims.

Mayor Purcell presented a Certificate of Commendation from the Mayor s Office.

Senator Randy Bass presented a proclamation from the State of Oklahoma.

Ms. Sims thanked the community and her church for their service.

Ms. Ephriam thanked the Mayor and the Mayor s Commission on the Status of Women for the honor.

PRESENTATION TO GRADY BREWER.

Senator Bass congratulated Grady Brewer for representing Oklahoma in The Contender on ESPN Television. He presented a Citation of Congratulations from the State of Oklahoma.

Mr. Brewer thanked everyone for this honor. He stated he would like to contribute towards the children of this community.

Shoemate stated that Grady is looking for a facility where he can train young people. He stated if anyone has a facility to donate, please contact him or the City Manager.

PRESENTATION OF PROCLAMATION FOR LIGHTS ON AFTER SCHOOL DAY.

Patton stated that Rick Kerr and Cathy Dunaway would like to present some items to the City Council.

Mayor Purcell proclaimed October 12, 2006 as Lights on After School Day which supports innovative programs after school.

Rick Kerr stated in the past twenty years a group of caregivers, providers and educators have gotten together and

built a strong organization that reaches out and brings professionalism to an industry that has been misunderstood. He thanked the City Council and the community for supporting these programs.

#### AUDIENCE PARTICIPATION:

Josh Bloom, 2208 NW 28<sup>th</sup>, stated on October 2<sup>nd</sup> he purchased a home in Lawton View. Two days later he found out the home had a lien placed against the lot. He has had the property for eight days and he has done more to fix up the property than the previous owner has done in the past six months. He has gutted the entire home. Staff has been to the home and given Mr. Bloom a list of those items he needs to do to bring it up to code. He requested that the City Council give him four to six months to bring the home up to a livable standard.

Haywood questioned the address of the property.

Mr. Bloom stated 1817 SW Garfield.

Shanklin questioned if the property has already been declared dilapidated.

Mitchell stated the court has already issued a judgment on the property.

Henning stated this particular property has gone through the process and been declared dilapidated and it is on for a motion set for later this week for the purpose of getting permission from the court to go forward and demolish the structure. He stated this is not on the agenda for action, but staff can bring it back in two weeks and in the meantime staff can postpone the hearing in District Court so that the City Council can take action at the next meeting.

Haywood questioned if Mr. Bloom was going to live in the home.

Mr. Bloom stated he is going to fix it up and rent it out.

Haywood questioned if he was familiar with all the drug use in the area.

Mr. Bloom stated yes.

Kim Shahan, 7728 NW Chesley Drive, thanked the citizens of Lawton and Denver, Colorado. A year ago he went to Haiti and was involved in a mission. He stated there has never been a playground unit built in that country. In the last year over \$36,000 has been raised for a playground unit to be established on an orphanage in Haiti. He stated he is traveling next week to build this playground.

#### CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL SPECIAL MEETING OF AUGUST 14, 2006 AND THE REGULAR MEETING OF SEPTEMBER 12, 2006.

MOVED by Warren, SECOND by Drewry, to approve the Minutes of August 14 and September 12, 2006. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

Mayor Purcell stated item #4 should be stricken off the agenda.

Jackson requested items #9 and #10 be considered separately. Mayor Purcell stated item #2 needs to be considered separately.

Shanklin stated he does not know why staff cannot put an address in items #11 and #12. The legal address does not tell him anything. He requested that items #8, #11 and #12 be considered separately.

MOVED by Givens, SECOND by Warren, to approve the Consent Agenda items as recommended with the exception of items #2, #4, #8, #9, #10, #11 and #12. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: Bentley J. Greb in the amount of \$90.00, Cindy and Kevin Jordan in the reduced amount of \$750.00. Exhibits: Legal opinions/Recommendations, Resolution No.\_\_\_\_.

2. Consider the following damage claim as recommended for denial: Toni J. Evans in the amount of \$2,800.00.

Exhibits: Legal Opinion/Recommendation.

Toni J. Evans, claimant, stated the house was rented at the time the damage occurred. Initially when she was notified that the city crew was working behind the house and had punctured a hole in the pool, she was not very concerned because the renters did not use the pool. Later when the renters moved out, she had the home appraised and discovered there was structural damage. The appraiser asked if there had ever been a flood on the property and that is when they attributed the damage back to when the pool had been punctured. The renter told her that the city crews had moved a shed in the backyard and punctured a hole in the pool. She stated she could not say exactly when the damage occurred because city crews worked in the area for 2 months. She stated if the city crews did not damage the pool, then why were they concerned enough to take a picture. She understands that there is a time frame in putting in a claim, but the initial finding was not a concern. She is trying to sell the property now and there is structure damage.

Henning stated the photograph in the agenda packet shows the condition of the pool when the city staff began their work in the area. There is stagnate water, mold and debris that has been there a while. He stated they are bound by state statute that the claim must be filed by one year of date of injury, not discovery. The city crews claim that the damage has already occurred when they got there.

Ms. Evans asked when the photo was taken.

Henning stated April 25<sup>th</sup>.

Ms. Evans stated that is the day they started work. She questioned if this was a normal practice that they take a photo of the property the day they start.

Henning stated it is not uncommon when they see a pool in this condition that they would take a photo.

Ms. Evans stated the renter knows that things are different.

Shanklin stated Ms. Evans has recourse in District Court. His only concern is that water was left in the pool that was stagnate.

Ms. Evans stated the pool was about half full.

Shanklin stated Ms. Evans is claiming that 6,000 gallons ruined her foundation.

Ms. Evans stated there was no foundation damage until after the pool had drained.

Shanklin stated that water did not do this. He had 165,000 gallons of water come underneath his house from a hidden water leak and there was no damage.

She stated she finds it hard to believe that the photo was taken on April 25<sup>th</sup>. Crews stated they did place a dent in the pool when the shed was moved. She stated if they did cause the dent, why is there no picture.

Shanklin stated there is no picture of the damaged foundation or a listing of costs for the damage.

Ms. Evans stated she submitted this information with the tort claim.

Warren stated the City Council is precluded from doing anything because of the time issue.

Pete Evans, father of the claimant, stated the porch next to the pool has essentially fallen over and sunk into the ground. It is obvious it was done by water. The east wall dropped down in the ground and created a break in the foundation. In the picture the shed has already been moved, so it was taken after work was done.

MOVED by Jackson, SECOND by Patton, to deny the claim. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry. NAY: None. MOTION CARRIED.

3. Consider approving contracts for School of the Arts , Fall 2006 semester for Steven Scott Smith (\$ 630), Sherri Denning (\$ 630), Natalie Sklaney (\$ 315), and Sandra Dunn (\$ 270) faculty members for the project. Total amount for fall semester stipends is \$ 1,845.00. Exhibits: Contracts on file in City Clerk s office.

4. Consider approving the standard lease agreement for use of the Elmer Thomas Park/Lake Helen Stage area on June 9, 2007 with Clear Channel Radio upon construction completion of concrete stage. Exhibits: Standard Lease Agreement with Clear Channel Radio.

THIS ITEM WAS STRICKEN.

5. Consider renewing the agreement between the Board of County Commissioners of Comanche County and the City of Lawton for library service to Comanche County residents living outside the City of Lawton. Exhibits: Agreement on file in City Clerk's office.

6. Consider approving Council Policy 1-1, Employee Travel, dated October 10, 2006 to replace Council Policy 1-1, Employee Travel dated July 1, 2006. Exhibits: Proposed Policy 1-1 dated October 10, 2006, Attachment A Allowances, Attachment B Out of Town Travel Authorization, and Attachment C Out-of-Town Travel Expense Statement.

7. Consider approving the record plat for BWRW Development. Exhibits: Plat Map.

8. Consider approving the plans and specifications for waterline improvements to serve Lawton Place Apartments at 7301 SW Lee Boulevard. Exhibits: Location Map.

Shanklin questioned if any money was coming from the city.

Richard Rogalski, Planning Director, stated this is a developer funded improvement.

Shanklin questioned if they were going to tie into a line.

Rogalski stated it is a water line that is required for fire flow for the Lawton Place Apartment complex.

Shanklin questioned if it was an 18 or 24.

Rogalski stated it is an 8 line which is all that is required.

Jackson stated Mr. Shanklin was asking about the main line that goes down Lee Boulevard.

MOVED by Shanklin, SECOND by Jackson, to approve the construction plans and specifications for the waterline improvements to serve the Lawton Place Apartments at 7301 SW Lee Boulevard subject to ODEQ approval. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

9. Consider adopting a Resolution authorizing the installation of traffic control measures on NW Ferris Avenue near Brockland Elementary School, SW Monroe Avenue at the intersection of 13<sup>th</sup> Street, 1200 Block of SW Summit Avenue, and SW 27<sup>th</sup> Street near Cleveland Elementary School. Exhibits: Traffic Commission Minutes, Traffic Issue Requests, and Resolution No. 06-\_\_.

Jackson stated he asked that this be discussed because of item #3 regarding installation of an advisory signs on the 1200 block of SW Summit. He stated the Manager of the Goodwill Store installed a turn around lane in front of his business on the North side of Summit to alleviate the problem of having to place a 20 mile per hour zone. He stated he feels this need has been alleviated because of this turn around and it will just impede travel flow in the area. The City Council has already denied it at one point.

Patton questioned the current speed limit.

Jackson stated it is currently 25 mph. He stated there are already markings there for a handicapped zone. He does not see the need for another school zone through that area.

Ed McKesson, 1312 SW B, stated the problem is there are a lot of handicapped people who work at Goodwill and walk across the street.

Jackson stated he has owned a business there since 1976 and there has not been a problem in that area. The City Council has previously denied this request.

MOVED by Jackson, SECOND by Givens, to approve items #1, #2 and #4 and deny item #3. AYE: Patton, Warren, Shoemate, Givens, Drewry, Jackson. NAY: Haywood, Shanklin. MOTION CARRIED.

10. Consider denying a request for the installation of NO PARKING signs on the east side of NE 9<sup>th</sup> Street between Dove Lane and Rogers Lane. Exhibits: Traffic Commission Minutes and Traffic Issue Request.

Jackson stated this is in his ward and this request came from a citizen who lives in the Turtle Creek area. They became concerned because 9<sup>th</sup> Street is the only entrance and exit into the entire housing area of Turtle Creek. Residents are concerned with the constant stacking of cars on the east side of 9<sup>th</sup> Street. He went by and observed the area and it is a problem. He stated this area happens to be seven or eight feet from the curb where they can walk straight

into their homes instead of parking in their assigned parking spots on the side.

Grant Underwood, 901 NE Tortoise Drive, Apartment B, stated most of them that live in these properties have two cars. He stated NE 9<sup>th</sup> Street is a three lane road with no parking signs already installed on the west side. Most of the times there is more than enough room for two lane traffic to move each way and they have never had a problem with emergency vehicles. He requests that this item be denied.

Drewry stated she used to drive in and out of there and it was very tricky getting in and out.

Jackson stated this area is not built to use streets as parking.

Mayor Purcell stated if this is approved, there will be no parking on the east or west side of the street.

MOVED by Jackson, SECOND by Warren, to authorize the installation of NO PARKING signs on the east side of NE 9<sup>th</sup> Street between Dove Lane and Rogers Lane. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

11. Consider acknowledging receipt of a Tier 1 permit from the Oklahoma Department of Environmental Quality for the construction of 410 linear feet of eight (8) inch gravity sewer line and all appurtenances to serve the Victoria Square Apartments, located in the SW/4 of the NW/4 of the NW/4 of Section 23, T-2-N, R-12-W, I.M., Comanche County, Oklahoma. Exhibits: Permits to Construct on file in the City Clerk s office.

Shanklin questioned the address.

Rogalski stated ODEQ asked for the legal description. This is on NW 38<sup>th</sup> Street a mile south of Rogers Lane.

MOVED by Shanklin, SECOND by Warren, to approve. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry. NAY: None. MOTION CARRIED.

12. Consider acknowledging receipt of two permits from the Oklahoma Department of Environmental Quality for the construction of 1,786 linear feet of ten (10) inch PVC water line, 1,218 linear feet of eight (8) inch PVC water line and 3,686 linear feet of eight (8) inch PVC gravity sewer line and all appurtenances to serve the Waterstone Development located in the S/2 of the NW/4 of Section 3, T-1-N, R-12-W, I.M. Comanche County, Oklahoma. Exhibits: Permits to Construct on file in the City Clerk s office.

Shanklin questioned the address.

Rogalski stated this subdivision is located on the east side of 52<sup>nd</sup> Street, mile south of Lee.

MOVED by Drewry, SECOND by Jackson, to approve. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

13. Consider accepting two (2) permanent road and utility easements that are needed for the SE Water Treatment Plant Project, authorizing the Mayor and City Clerk to execute the easements and authorizing payments to the property owners. Exhibits: Easements are on file in the City Clerk s Office.

14. Consider approving plans and specifications for the Elmer Thomas Park Stage Construction Project #2006-13 and authorizing staff to advertise for bids. Exhibits: None.

15. Consider acknowledging receipt of permits for the construction of water lines and all appurtenances from the Oklahoma Department of Environmental Quality to serve the NE Maine Waterline Improvement Project #2006-2, City of Lawton, Comanche County, Oklahoma. Exhibits: None.

16. Consider accepting a warranty deed that is needed for the Numu Creek Channel Improvement Project #2006-10 from Larry and Vickie Keplinger and authorizing the Mayor and City Clerk to execute the warranty deed and sign a thank you letter. Exhibits: Warranty deed and thank you letter are on file in the City Clerk s office.

17. Consider awarding a contract for the Water System Security Fencing Project 04-4 SSES to TIC, Inc. in the amount of \$23,883.66. Exhibits: Set of plans and specifications is on file in the Public Works Administration office.

18. Consider awarding (CL06-061) Fire Department Nozzles to Chief Fire & Safety Co., Inc. of Chickasha, OK. Exhibits: department recommendation, abstract of bids.

19. Consider awarding (CL07-004) Tire Recapping to Mileage Masters, Inc. of Ardmore, OK. Exhibits: department recommendation, abstract of bids.
20. Consider awarding (CL07-005) Aqueous Ammonia to Southern Ionics, Inc., of West Point, MS. Exhibits: department recommendation, abstract of bids.
21. Consider approving appointments to boards and commissions. Exhibits: None.
22. Consider approval of payroll for the period of September 11 24, 2006. Exhibits: None.

#### OLD BUSINESS ITEMS:

23. Discuss and take appropriate action on a request to consider participating in the cost of installation of Fire Hydrant at Ci Ci s Pizza (1222 NW Sheridan Road). Exhibits: Letter dated July 21<sup>st</sup>, 2006 from Mr. Robert Garriott and cost estimate spreadsheet on expected city costs for hydrant installation.

Mitchell stated this item was held over from a previous council meeting. He stated the key issue is whether or not the council wishes to participate in the cost of installation of a fire hydrant at this location. The estimate for an in house installation is \$2,286.64.

Givens stated he understood that this is not the first time that someone has been requested to put a fire hydrant in like this.

Mitchell stated this is a requirement that staff reviews every time they have an application for a building permit.

Givens stated that others have just gone on and put in the hydrant and not come to complain to the council for participation.

Patton stated there was a business in this location to begin with. He questioned why it got hung on this persons head.

Givens stated before they should have been told they would have to put in a hydrant before they even began construction.

Patton stated he would hate to be a business owner and go in and find out they had to do this.

Givens stated he should have known before he did anything.

Chief Bart Hadley, Lawton Fire Department, stated he agrees, and it would have been beneficial to have a fire hydrant there long before CiCi s Pizza went in. The code requirement that started this is that there was a change of use and when he applied for a permit it triggered a plan review process. He stated the applicant was aware of this before he got into the whole process and agreed that if necessary he would bear the full cost. The Fire Marshall issued the applicant a temporary permit to go ahead and open the business. He stated the estimate presented by the applicant was \$6,000. Public Works did an estimate for in house and the cost is \$2,200. Based on their conversation with the owner, he believes that he would be pleased with the \$4,000 savings.

Patton stated there was a food establishment that went in two doors down and he can't understand the need for this hydrant.

Chief Hadley stated the code requires that a fire hydrant be within 300 feet and that distance may have been the difference. It could be the square footage of this particular establishment and the occupancy load. He can find out the details.

Givens stated they are setting precedence for the future. Builders are aware of this issue and they will come back and ask for future participation.

Patton stated there is a distinct difference between someone opening a brand new business that may require a new structure that requires fire protection. He does not have any problem with them bearing the cost. He feels there is a difference when someone goes in and remodels an existing structure when only one year previous there was a viable business. He can understand the change of use, but he does not want this to preclude us from paying any of the cost.

Mayor Purcell stated it is a win-win situation for everyone if we can get the cost down.

Shanklin questioned why it would have cost \$6,000.

Warren stated there is a difference between a new structure and an existing structure, but the most important part is that this is not the first time we have ever paid for one. He wished there was a way to assess that cost over the service area of that plug.

Jackson questioned if they did a cost sharing with Ron Nance with the property on the corner of Sheridan and Lee Boulevard. He questioned if they forced him to put in fire plugs.

Warren stated we provided some kind of share.

Andrea Charles, Channel 7, questioned the rule of having one every so many feet. She stated there was one in front of Payless Shoes in the same shopping plaza.

Chief Hadley the fire hydrant is needed and required by code. There are other hydrants along Sheridan Road, but one hydrant in that area is not enough to supply that area. He stated they do not require as many as some communities.

Mayor Purcell stated he hears everyone questioning if it would be appropriate to have a motion that says that the City of Lawton will install the hydrant if CiCi s pays the \$2,200.

Warren suggested they leave it open as far as costs in case something happens.

MOVED by Warren, SECOND by Patton, to enter into an agreement with CiCi s Pizza. Said agreement would be that the City of Lawton will provide labor installation and materials and CiCi s pizza would be responsible for the cost.

SUBSTITUTE MOTION by Shanklin, SECOND by Drewry, that the City of Lawton provide labor installation and materials and pay for the cost and CiCi s pizza would be responsible for the cost. AYE: Haywood, Warren, Shoemate, Drewry, Jackson, Shanklin, Patton. NAY: Givens. MOTION CARRIED.

#### NEW BUSINESS ITEMS:

24. Hold a public hearing and consider an Ordinance amending Section 18-10-1-1001, Division 18-10-1, Article 18-10, Chapter 18, Lawton City Code, 2005, by establishing that a property owner whose structure or structures have been declared dilapidated or are being considered by the City Council to be declared dilapidated shall not be eligible to submit an application to the Historical Preservation Commission, providing for severability, and declaring an emergency. Exhibits: Ordinance 06-\_\_.

Rogalski stated this code amendment stated that if a property is placed on or considered dilapidated by the City Council, they don t want the Historic Preservation Commission to be used as a tool to try to delay this action. If someone is notified that they are either on the D&D list or being considered for the D & D list, they need to get that issue resolved and then they can apply to the Historic Preservation Commission.

Patton stated if someone has a piece of property on the D & D list, to get that property safe and secure they have to go in and make sure it is up to city code. He questioned if there are any type of recommendations from the historic district that the property has to be brought up to a certain level.

Rogalski stated the purpose of putting a property in the historic preservation zone is to bring it up to compliance. The purpose of putting it in that zone is for the purpose of improving it. Those improvements still have to be up to code, they just use different materials.

Patton stated he was concerned that if someone had to bring it up to current city code, it would ruin the historical benefits.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

Shanklin stated if the City Council is considering the property for dilapidation it is already on the agenda. He does not understand this language in the ordinance.

Rogalski stated in the next section of the ordinance it defines that structures meeting this criteria are structures declared dilapidated by Council and those whose owners have been notified by Neighborhood Services Division that Council will consider the structures.

Jackson stated there are legitimate properties that could be placed on the historic list and he is concerned that in our exuberance to declare something dilapidated, he would like to make sure that if it could be on the historic list, the applicant gets the opportunity to do so.

Drewry stated even if it is declared dilapidated, they have an opportunity to bring it up to code.

Warren stated they also have an opportunity in District Court to waive that document.

Shanklin stated if there is a structure that has historical value and it is on the D & D list, it must not have been too important to the owner. If it is on the D & D list, staff has already been out there three or four times and it probably has been on the waiting list for a year.

MOVED by Drewry, SECOND by Givens, to approve **Ordinance 06-76**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Patton. NAY: Shanklin, Haywood. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 06-76

An ordinance pertaining to planning and zoning amending Section 18-10-1-1001, Division 18-10-1, Article 18-10, Chapter 18, Lawton City Code, 2005, by establishing that a property owner whose structure or structures have been declared dilapidated or are being considered by the city council to be declared dilapidated shall not be eligible to submit an application to the Historical Preservation Commission, providing for severability, and declaring an emergency.

25. Consider approving a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, to establish a fee for an application to designate a property with the historical preservation overlay district and a fee for certificates of appropriateness. Exhibits: Resolution 2006-\_\_.

Rogalski stated the fee is set for \$350 and is in essence a rezoning with three notices and the same fees as a rezoning.

Jackson questioned where staff came up with the \$350 fee.

Rogalski stated this is the same as a rezoning with three notices that go out and three public hearings.

MOVED by Warren, SECOND by Shoemate, to approve **Resolution 06-163**. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

26. Consider approving the Lawton Downtown Economic Development Project Implementation Agreement between the City of Lawton, the Lawton Economic Development Authority, and the Lawton Urban Renewal Authority, and authorize the Mayor and City Clerk to execute the three party agreement. Exhibits: Lawton Downtown Economic Development Project Implementation Agreement (approved and executed by LEDA and LURA), Ordinance No. 2006-15 Lawton Downtown Economic Development Project Plan.

Mitchell stated the purpose of this implementation agreement is to define the relationship and the responsibilities of the parties with respect to the project plan that was approved in March and the ordinance that was approved in May. The project will be financed from a combination of public and private sources and will require a combination of public and private actions to be implemented. Sections 4, 5 and 6 of the agreement outline the obligations and responsibilities of each of the governmental entities and the three parties also agree that the first phase of the project activity shall focus on 2<sup>nd</sup> Street and the D-6 urban renewal area. The agreement has previously been approved the Lawton Economic Development Authority and the Lawton Urban Renewal Authority.

MOVED by Drewry, SECOND by Jackson, to approve the agreement. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

27. Consider approving a resolution amending the D-6 Urban Renewal Plan Acquisition Map (URP-IIA) and finding that the amendment meets the goals of the 2025 Land Use Plan. Exhibits: Resolution No. 06-\_\_ and Proposed Amended URP-IIA.

Rogalski stated this council has approved the urban renewal plan, the TIF District and also the overlay zoning district. This is the next step in revitalization which is to amend the urban renewal plan which provides for acquisitions in this downtown area. This area is bounded on the north by Ferris, the south by Gore, east by Railroad and west by 3<sup>rd</sup> Street. This entire area is proposed to be added to the urban renewal plan acquisition map. This will allow the Lawton Urban Renewal Authority to actively pursue properties in that area.

Jackson questioned if the area between 3<sup>rd</sup> and 4<sup>th</sup> Street has been added and is that an area to be added for acquisition.

Rogalski stated the area between 3<sup>rd</sup> and 4<sup>th</sup> street is not. That area is in the D-6 plan but only the area to the east of 3<sup>rd</sup> Street is in the acquisition area.

Warren questioned if he was permitted to vote on this item.

Henning stated there is no problem with Council member Warren voting.

Raymond Dryes, 1809 NW Euclid, stated 18 months ago he attended a public meeting scheduled by the LURA who reported they only had \$500,000 to work with. He questioned how much LURA had now and if they are planning to purchase 18 blocks.

Mitchell stated they still only have \$500,000. This acquisition simply draws a boundary around those blocks and allows LURA to entertain interest from property owners within that boundary. It does not mean that LURA will go out and actively acquire 18 blocks of property. This allows them to approach owners and determine their willingness to sell or owners to come forward and make an offer to LURA. Under federal law LURA is not allowed to enter into any type of negotiations with a prospective owner unless they have this map in place.

Givens questioned if Mr. Dryes had objections.

Mr. Dryes stated he is concerned that this will devalue the property that is on this map.

Patton stated he cannot image it would devalue this property.

Givens questioned if Mr. Dryes owned property in this area.

Mr. Dryes stated he has a friend that owns property in this area. He stated at that public hearing LURA stated it would not devastate the historic fabric of the city like it did when it bulldozed downtown in the 1970 s. He stated this is a step in that process to bulldoze land which includes the Coca-Cola bottling plant. He feels that the term acquire is just a euphemism for bulldoze. This area includes some thriving businesses.

Warren stated there is no bulldozing. He stated they just need to go on.

Mr. Dryes stated there is a better way to beautify the city rather than bulldozing it.

Mayor Purcell stated there is no attempt to bulldoze this area.

Mr. Dryes encouraged the City Council to say no to the acquisition of the 18 city blocks.

Larry Jefferson, property owner in the area, stated the LURA has talked about eminent domain and fair market value for property and sending this proposal to the City Council.

Mayor Purcell stated without this map in place, no one can go to the property owners and ask if they want to sell.

Mr. Jefferson stated they get one story from the newspaper and then come here and get another story.

Mitchell stated they have had several property owners come to LURA and want to sell their property and LURA has no ability to enter into those negotiations.

Mr. Jefferson questioned if these were absentee property owners.

Mitchell stated it is a mixture.

Mr. Jefferson stated he has no objections to this issue.

Drewry stated no one is required to sell their property.

Mr. Jefferson stated he is glad to hear that the value of this property is probably the most desirable in the city.

Givens stated this is just steps to try to do something. No one has any plans and there is no developer at this point.

Jackson stated so much information has been in the media and there is excitement taking place and that is why they are getting so many questions.

Warren stated the developers that come in are the ones who will be driving this thing financially. These things are only putting the documents and information in place that those developers will need.

MOVED by Drewry, SECOND by Givens, to approve **Resolution 06-164**. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

28. Consider approving a Communications Support/Training position for Emergency Communications. Exhibits: Memo from Emergency Communications Supervisor Derrell Morgan Proposed Job Description template.

Derrell Morgan, Emergency Communications Supervisor, stated his division has a lot of projects going on at this time and he does not have enough staff to pull people off of the operations side to work on specific projects. There are constant training issues that come up they need to deal with. This position will give him one staff person that is not an operational person that will be able to oversee these issues.

MOVED by Warren, SECOND by Givens, to approve approving a Communications Support/Training position for Emergency Communications. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

#### REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Shanklin questioned if anyone saw an article in the Daily Oklahoman regarding the river that runs through Oklahoma City. It states that this river is 100 times higher than the state health limit in fecal matter. He stated if that happened in Lawton it would shut us down. He stated they are not putting up any signs in Oklahoma City that warn boaters or swimmers.

Shanklin questioned when the City Manager told staff to stop picking up campaign signs.

Mitchell stated they have not stopped picking them up.

Shanklin questioned why they are worrying about these little political signs. We have bigger and better things to worry about.

Mitchell stated we have an ordinance and staff gets numerous calls from citizens complaining about these signs.

Shanklin stated he understands from this TIF District that the City of Lawton will never be without our \$18 or \$19 million in sales tax, regardless of what happens.

Mitchell stated over the 25 years of this TIF District that is correct. There may be bumps up or down.

Shanklin stated which is 37% of our budget. He stated he also worries about the pay plan and the surveys we get from the other cities. We average only \$500 per person when you look at our operating budget. Other places have \$1200 - \$1800 per person. He questioned how we can compare ourselves to other communities.

Haywood stated he has some people working on the cars in the street and placing them on blocks. He has called Neighborhood Services.

Mitchell stated the Lawton Public Schools and their architect are rebidding Phase I of the Central High School project. The bid opening is November 1<sup>st</sup>. There are three general contractors that have expressed interest.

The Mayor and Council convened in executive session at 8:06 p.m.

Patton left the meeting at 8:15 p.m.

Shanklin left the meeting at 8:50 p.m.

The City Council reconvened in regular, open session at 8:56 p.m. Roll call reflected all members present excluding Patton and Shanklin.

#### BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

29. Pursuant to Section 307B.3, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the purchase of property which is necessary for the Numu Creek Channel Improvement Project #2006-10 and, if necessary, take appropriate action in open session. Exhibits: None.

Henning read the title of item 29 shown above.

MOVED by Haywood, SECOND by Drewry, to authorize staff to continue further negotiations with Priest and Corley for Numu Creek right of way. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

30. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending Workers Compensation claim of Stephen Handy, and if necessary, take appropriate action in open session. Exhibits: None.

Henning read the title of item 30 shown above.

MOVED by Warren, SECOND by Jackson, to reject settlement offer of Workers Compensation claim of Stephen Handy and direct the City Attorney to continue to negotiate. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

31. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the semi-annual evaluation review of Traci Hushbeck, City Clerk, and if necessary, take appropriate action in open session. Exhibits: None

Mayor Purcell read the title of item 40 shown above. He stated everyone is extremely happy with her performance and was rated outstanding in all areas. Comments were made that her office is well run and the employees are very professional. No action is required.

There being no further business to consider, the meeting adjourned at 9:00 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK